



**MINUTES  
PLANNING COMMISSION WORKSESSION  
NOVEMBER 12, 2008  
6:00 PM**

**COMMISSION MEMBERS PRESENT:** Edward F. Whelan, Chair; Roy E. McAfee, Vice Chair; Roy F. Gratz, Secretary; Vincent C. Ramoneda; Susan Spears, Paul D. Ware, Ricardo Rigual

**STAFF PRESENT:** Raymond P. Ocel, Planning Director; Debra M. Ward, Zoning Officer

**IN ATTENDANCE:** Doug Veihman, Charlie Payne, John McManus and Donnie Hylton

**Discussion Topic # 1. Proposed draft for a mixed use ordinance PD-MU.**

Mr. Ocel began the discussion by reminding the Commission that the development of a mixed use ordinance was part of the implementation of the 2007 Comprehensive Plan and the need for a mixed use ordinance was also identified in the Jumpstart Plan. Also, several projects were already in the works that would require a mixed use ordinance. For example, the University's project at the Park and Shop shopping center. Phase 1, planned for the current location of the Rose's Department Store and Einstein's Bagels are currently located, would include additional student housing as well as a commercial component. Phase 1 was planned to open in Fall 2010 and to include 156 student housing units spread over 7+ acres.

Mr. Ocel pointed out that the draft before the Commission was geared toward pedestrian oriented uses and designs, including trails and pathways.

Mr. McAfee said that he would like to see the mixed use ordinance include inter-relationships with existing neighborhoods.

Mr. Gratz suggested that maybe the proposed ordinance was too flexible in the types of uses that would be permitted by-right, perhaps leading to project approvals that would be too political.

Mr. Ocel brought up that one of the ordinance regulations, that required a minimum district size of 3 acres, would be looked at in order to reduce that number.

Mr. Gratz stated that 3 acres already seemed small for all the different types of uses that would be required for a mixed use district. Mr. Gratz asked if the Idlewild development was initially planned to be a mixed use district.

Mr. Ocel said yes, Idlewild was originally planned to have a commercial component but the developers had no luck attracting even a grocery store. The small number of live-work units in the community were even difficult to market.

Mr. Ramoneda asked if the purpose of the ordinance was to be active or re-active?

Mr. Ocel said he envisioned a mixed use district for use in rezonings. For the City to initiate a PD-MU district would prevent the opportunity for negotiations with developers on project conditions.

Mr. McAfee wanted to know if the ordinance would apply to other areas such as Lafayette Boulevard.

Mr. Whelan said that he would like to see smaller areas of the City be able to take advantage of a PD-MU district.

Mr. Gratz expressed concern that the ordinance only required 2 different uses be planned for a project. The example he gave was construction of one fast food restaurant and the rest of the property developed for high density residential.

Mr. McAfee asked what FAR meant in relationship to this ordinance.

Mr. Gratz said that FAR was calculated on lot size, not the footprint of a building.

Mr. Ocel explained that a goal of the proposed PD-MU ordinance was to support more or higher density development as opposed to the Planned Development Commercial district, which includes development that is spread out over a large land area and provides large open parking areas. To illustrate this, Mr. Ocel brought up that many of the blocks on the fringe of the downtown area are more densely developed than the current zoning ordinance allows, yet public comments seem to support that type of development.

Mr. Ocel said that as proposed the PD-MU had the flexibility for more design standards to be submitted in the beginning stages of project development. That it may be more important to focus on the types of building materials to be used rather than actual architectural designs. Also, the ordinance was drafted to take advantage of opportunities to develop parking arrangements that overlap and create shared parking situations thus creating less asphalt.

Mr. Ocel asked the Commissioners to give comments on whether this version of the ordinance was ready to be taken to Public Hearing very soon:

Mr. McAfee said again that he would like to see how this PD-MU could be applied to existing neighborhoods or main corridors, such as Lafayette Boulevard and Princess Anne Street.

Mr. Ramoneda explained that he had trouble envisioning the new, increased height limits being mixed in with existing areas that have lower height limits. He also said that he would like to see some tweaking of what he considered a "good concept" that would make it appropriate for existing corridors.

Dr. Ware asked if it was difficult to use the proposed draft of the PD-MU ordinance to create different levels of development intensity, such as a PD-MU 1, PD-MU 2, and PD-MU 3.

Mr. Ocel said that it would not be difficult but time consuming. He also pointed out that the ordinance was meant to focus on the areas identified in the Jumpstart plan and that other areas of the City that needed development or re-development may require a different set of guidelines.

Mr. Gratz offered that the proposed ordinance seemed more applicable to large developments under one entity rather than areas fragmented by multiple owners.

Mr. Whelan said he wanted to keep the ordinance open so as not to restrict the ability of the mixed use concepts being utilized in other areas of the City.

Mr. Ocel told the Commissioners he would gather and incorporate applicable ideas and input from not only the members of the Planning Commission but from developers.

Mr. Riguel asked Mr. Ocel to clarify the idea of the City rezoning certain properties to the PD-MU district as opposed to projects located in other districts being able to request a rezoning to the PD-MU district.

Mr. Ocel said that when a rezoning occurs the City has the opportunity to place conditions on the project.

Dr. Ware wanted to know if this ordinance would effect the proposed courthouse project.

Mr. Ocel said the projected uses for the courthouse project would probably fit within the current Commercial Downtown guidelines/ordinances and would not be effected by the PD-MU district ordinance.

## **Discussion Topic # 2. Review of the proposed amendment to the Parking ordinance.**

Mr. Ocel said he brought the parking amendment forward again because during the last discussion some of the Commissioners had questions and/or comments that needed to be addressed. Such as Dr. Ware's question on providing the opportunity to waive spaces when a Special Exception for parking in the Tourism Zone could be applied for, allowing the City to place conditions on the permit. For example, the Special Exception granted to the Virginia Partners Bank with the condition that when the bank is closed the parking spaces remain available for public use. Mr. Ocel also said there were questions among the Commissioners as to how spaces should be allocated to businesses for on street parking credit. One way was to count the parking space directly in front of the business. Another option talked about was to count all the parking spaces on the block and divide them among the businesses on the first floor of a building.

Mr. Ramoneda questioned whether the courthouse project would be within the boundaries of the specific downtown parking zone being addressed.

Mr. Ocel replied yes.

Mr. Ramoneda said that if that was the case should the Commission consider pulling that boundary back in order to remove the courthouse project from the downtown parking district.

Mr. Gratz wanted to know if some off-street parking spaces were to be provided on site for the courthouse.

Mr. Ocel said some spaces for judges and court personnel would be provided.

Mr. Ocel asked the Commissioners to give their view of the 5 space waiver portion of the ordinance.

Mr. McAfee said that Dr. Ware's point was valid. Why waive spaces when a Special Exception could be approved that might benefit the City.

Mr. Gratz asked if parking credit was to be totaled for the block and then divided among businesses, how would fractions be handled and what would happen in situations where some blocks have enough spaces to divide per business and some blocks do not.

Mr. McAfee said that he thought businesses located on a corner should get credit for frontage on both sides of the corner.

There was a general discussion on the sizes of store fronts and the sizes of parking spaces.

Mr. Gratz wanted to know if some sample calculations could be done to see if the waiver actually works.

Mr. Ramoneda said a lot of spaces were already being "given" away by the amendment that cuts the current requirement in half.

Dr. Ware said that one option to calculating parking credit was to measure store fronts and base the number of waived spaces on that figure with a minimum of one waived space per business.

Mr. Ocel said that the way parking spaces would be calculated under the ordinance amendment was to cut the number of spaces required in half, calculate the number of total spaces needed and then waive spaces if necessary. By looking at the businesses that zoning has already waived parking spaces for, these businesses would likely not have anything to offer like the after hours public parking we have with the Virginia Partners Bank.

The consensus of the Commission members was to drop the 5 waived parking spaces option from the amendment.

Mr. Ocel asked the members to address the suggestion that all by right zoning uses should be included in the amendment, not just those stated, eating establishments, offices and retail stores.

Dr. Ware and Mr. McAfee asked why the by-right uses should be excluded.

Mr. Ocel reminded the Commission that the parking amendment was originally meant to target and attract the types of businesses wanted in the downtown area.

Mr. McAfee said that if that was the case the Commission should consider the types of by-right uses permitted downtown instead of trying to target those types of uses wanted.

Dr. Ware stated that he felt residential uses in the downtown area should have to provide parking spaces and not be permitted to waive spaces.

Mr. McAfee suggested that waived spaces be limited to commercial and mixed uses.

Mr. Ramoneda asked if requiring residential to provide all required parking would eventually eliminate residential downtown.

Mr. Whelan said the door should be open for the possibility of residential in the downtown with no off street parking provided. He suggested there would be a percentage of baby boomers that may retire and want to live downtown and have no vehicles.

Mr. McAfee asked if this ordinance would be an easier sell if it addressed parking for mixed use development downtown, the way the City originally developed.

### **Discussion Topic # 3. Oversized houses.**

Mr. McAfee brought up the issue of prospective buyers who would want to know before they buy a house if an addition can be built onto the house without the need for a Special Use Permit. His suggestion was that within the confines of the zoning ordinance, the City issue a one time permit for an addition not to exceed 500 square feet if the property owner agrees not to build onto the house for a specific amount of time. Mr. McAfee said he feared that the proposed oversized house ordinance might increase rental units in the City.

Ms. Spears said the proposed ordinance may not accomplish the goal, to prevent oversized houses.

Mr. McAfee suggested the issue could be attacked from a view shed, quality of life ordinance instead of trying to govern by lot coverage and height limitations.

Dr. Ware added that the option of a Special Use Permit may make the process more fair.

Mr. Ramoneda said that the 30% limit for lot coverage was generous, but that it could be viewed as onerous.

Mr. McAfee offered that the ordinance was restrictive without reaching the goal and promoted residential decay.

Mr. Gratz said that if you want to build an oversized house you probably would choose not to live in a "City" environment.

Mr. McAfee suggested that people who preferred restrictive housing regulations would move to the Counties.

Mr. Ocel reminded the Commission that the objective for the review of the ordinance was to discuss concerns and then get the ordinance back on the Planning Commission agenda for a recommendation to City Council.

Mr. McAfee stated that the Commission's job was to plan and to be responsible for guiding the City's growth. He advocated taking the oversized housing ordinance back to the drawing board.

Mr. McAfee said as the ordinance was now written, it would do more harm than good. It was not good planning and did not achieve the out of scale housing goal.

Mr. Whelan offered that the ordinance did prevent oversize houses and yet provided flexibility to property owners.

Mr. Ramoneda suggested that the Planning Commission forward the portion of the ordinance, pertaining to height and infill calculations, through the process and continue to work on a solution to the remainder of the ordinance.

Meeting adjourned at 9:40 PM.